

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2004/2005 IN LANDSCAPE MAINTENANCE DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1 TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS LANDSCAPE MAINTENANCE DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Loma Linda pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

WHEREAS, That the public interest and convenience requires and it is the intention of the City Council of the City of Loma Linda, California, to order the following work be done:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof; and

WHEREAS, The foregoing described work is to be located within the right-of-way and easements along existing streets which have heretofore been maintained by the District throughout the City of Loma Linda, more particularly described on maps which are on file in the City Clerk's Office entitled, "Landscape Maintenance District No. 1"; and

WHEREAS, That the contemplated work, in the opinion of said City Council, is of more than special than general public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is more particularly described on maps which are on file in the City Clerk's Office entitled, "Landscape Maintenance District No 1"; and

WHEREAS, The City Council of said City by Resolution No. _____ has approved the report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, including the annexation territories, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report, Landscape Maintenance District No. 1, Annexations Original and 1 through 61, fiscal year 2004/2005" is on file in the Office of the City Clerk of said City, and was prepared for fiscal year 2004/2005 in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work; and

WHEREAS, the current assessment rate is adequate to maintain the current facilities; and

WHEREAS, in order to maintain the facilities at a standard acceptable to the City the assessments within the District will need to be levied for fiscal year 2004/2005; and

WHEREAS, Proposition 218, the Right to Vote On Taxes Act does hereby require that if the assessment rate is to be increased, a notice of the proposed assessment along with a ballot shall be

mailed to all owners of identified parcels within the District, and that the agency shall conduct a public hearing not less than 45 days after the mailing of said notice; and

WHEREAS, the assessments for fiscal year 2004/2005 are not proposed to be increased above the approved CPI Index for Annexations 53 through 61; and

WHEREAS, the current CPI has been determined to be 2.3 percent calculated from the annual average of All Urban Consumers for San Bernardino County; April 2003 to April 2004; and

WHEREAS, notices and Assessment Ballots are not required if assessments are not increased other than for the amount of the current CPI; and

WHEREAS, The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report, at which time assessments for the next fiscal year will be determined; and

WHEREAS, All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California; and

WHEREAS, Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of notice of hearing shall be completed at least 10 days prior to the date of hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. Notice is hereby given that on the 13th day of July 2004 at the hour of 7:00 p.m., or as soon thereafter as possible, in the City Council Chamber at 25541 Barton Road, in the City of Loma Linda, any and all persons having any objections to the work, annexations, or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests; and

2. The City Clerk shall certify to the adoption of this Resolution.

APPROVED, PASSED AND ADOPTED this 22nd day of June 2004 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk